

THE LAW OFFICE OF DAVID DESTEFANO, PLLC
112 W34th Street, 18th Floor, New York, New York 10120
Direct (646) 961-3575 Fax (646) 365-3029
david@daviddestefanolaw.com
www.daviddestefanolaw.com

December 3, 2018

VIA ECF

U.S. District Judge Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Courtroom 618
New York, New York 10007

Re: *Deleston v. Kallejon Corp. d/b/a El Kallejon, et al.*, 18-CV-8280 (KPF)

Dear Judge Failla:

This firm represents Defendant Kallejon Corp. and was recently retained in the above-referenced matter. This letter is submitted pursuant to Rule 2(A) and (C) of Your Honor's Individual Rules of Practice to request a 30-day extension from the date hereof for Defendant Kallejon Corp. to answer, move or otherwise respond to the Complaint. The answer was originally due by 10/16/2018.

Plaintiff's counsel consents to this request despite Defendant Kallejon Corp.'s default and the Court's 11/27/2018 instruction to proceed with an application for default judgment. Plaintiff agrees to suspend the filing of any motion for default judgment with respect to Defendant Kallejon Corp. pending Defendant Kallejon Corp.'s answer, motion or other response in accordance with the extension contemplated herein. Upon such filing, Plaintiff agrees to abandon any motion for default judgment with respect to Defendant Kallejon Corp. for failure to timely answer. In exchange for Plaintiff's consent to the instant extension, Defendant Kallejon Corp. hereby waives any defense it may have for insufficient personal service. This extension request is made in light of this firm's recent retention so that we will have sufficient time to review and analyze the allegations in the Complaint, speak with pertinent witnesses, review relevant documents and determine an appropriate response. This is Defendant Kallejon Corp.'s first request for an extension of this deadline. On 11/27/2018 the Court adjourned the initial pretrial conference from 12/13/2018 to 2/1/2019.

Thank you for your consideration.

Respectfully submitted,


David DeStefano

CC: Hon. Katherine Polk Failla (via e-mail: Failla_NYSDChambers@nysd.uscourts.gov)
Erik M. Bashian, Esq. (via ECF)